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SUMMARY RECORD OF THE 251st MEETING

Held at Headquarters, New York,
on Monday, 31 January 1994, at 3 p.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Australia (CEDAW/C/AUL/2)

1. At the invitation of the Chairperson, Ms. Sherry and Ms. Caryanides (Australia) took places at the Committee table.

2. Ms. SHERRY (Australia), introducing the second periodic report of Australia (CEDAW/C/AUL/2), said that her Government was committed to continuing the process of improving the status of women in Australia, within the framework of the Convention. As part of a programme to raise awareness of the Convention among the community, Australia's second progress report had been widely distributed throughout Australia to individuals, Governments and women's organizations. A booklet on the Convention, Opening Doors with CEDAW, had been released in November 1993; it aimed to demonstrate the relevance of the Convention to the lives of women in Australia in simple and accessible terms. Her Government had also established new consultative mechanisms in order to ensure the effective representation of women's interests. In December 1993, the Australian Council for Women had been established to act as an advisory body to the Federal Government with regard to preparations for the Fourth World Conference on Women. In addition, biannual "round table" meetings would be held between national women's organizations and the relevant ministers and there would be advising mechanisms between the Federal Government and state and territory governments.

3. Australia's federal system of Government required a cooperative approach between the Federal Government and the governments of the states and territories to implement measures to advance the status of women; the preparation and contents of the report reflected that approach.

4. In February 1993, her Government had released the New National Agenda for Women which set the direction of activities for improving the status of women to the year 2000. It focused on specific issues and formulated goals and strategies for the future; it had been prepared in consultation with Australian women themselves.

5. There was widespread recognition that the underrepresentation of women in public life needed to be addressed: women represented only 14.5 per cent of the members of Australia's parliaments, although that figure masked considerable variation. The Commonwealth-State Conference of Ministers on the Status of Women had commissioned a discussion paper on women and government in Australia and New Zealand which would be considered in October 1994. The Federal Government had demonstrated its commitment to the role of women in decision-making by elevating the position of the Minister Assisting the Prime Minister on the Status of Women into the Cabinet, in December 1993.

6. In September 1993, the Federal attorney-general had issued a discussion paper Judicial Appointments - Procedure and Criteria which acknowledged problems associated with the underrepresentation of women in the judiciary; her Government was currently considering the next steps to be taken. In February 1993, the Australian Law Reform Commission had undertaken a study on

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whether the laws should be changed, or new laws made, to remove any unjustifiable discriminatory effects on women; the Commission would present a series of reports on its findings over the next six months.

7. Violence against women was an issue of national concern. In October 1992, the National Committee on Violence against Women had presented its National Strategy on Violence against Women to the Prime Minister; it provided a framework for concerted and coordinated action by all levels of government to eliminate violence against women in Australia. The Federal Government's national community education programme, "Stop violence against women", had been launched in November 1993 with funding of $3.5 million to June 1995. Her Government was looking into reform of the Family Law Act to ensure the safety of people involved in family law proceedings. State and territory governments had been active in implementing initiatives to address violence against women and were reviewing their sexual assault laws and other legislation relevant to women subjected to violence.

8. There had been a great deal of debate about specific gender bias in the way courts had been handling cases involving violence against women. Gender awareness programmes were being conducted for members of the judiciary and magistrates and research was being carried out on gender bias in the legal system.

9. In December 1992, a number of amendments had been made to the Sex Discrimination Act of 1984; dismissal from employment on grounds of family responsibility was now a ground for complaint; sexual harassment had been redefined so that complainants no longer needed to show that they had suffered a disadvantage or detriment and the sexual harassment provisions, previously confined to employment and education, had been extended to many areas of life; and a number of procedures had been simplified.

10. Since January 1993, organizations which failed to comply with the requirements of the Affirmative Action Act, 1986, had not been eligible for consideration for government contracts for goods and services or for specified forms of industry assistance administered by the Federal Government.

11. Australia had a strong commitment to ensuring the implementation of the Convention in respect of all Australian women, particularly disadvantaged groups including indigenous women, migrant women, all non-English-speaking women and physically disabled women. As a group, the Aboriginal and Torres Strait Islander women were among the most disadvantaged people in Australian society. They represented 1.5 per cent of Australia's population, but mortality and infant mortality rates, life expectancy, homicide rates and unemployment were all much higher than among the rest of the population, and there was a high incidence of domestic violence.

12. A number of steps had been taken to address the oppression experienced by the indigenous peoples of Australia. First, the Aboriginal and Torres Strait Islander Commission (ATSIC) had been established, replacing the Department of Aboriginal Affairs; the ATSIC Board, was elected by and from the Aboriginal and Torres Strait Islander people. Funded by the Federal Government, ATSIC was designed to promote self-management, self-determination and fundamental civil, social, political and cultural rights for the Aboriginal and Torres Strait

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Islander people. The Office of Indigenous Women operated within ATSIC to consult indigenous women through a network of regional women's advisers and regional coordinators. ATSIC had also established a family violence intervention programme. Since 1992, an Annual National Aboriginal and Torres Strait Islander Women's Conference had been held.

13. Second, in response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody, the Commonwealth Government had announced additional funding of $400 million over a five-year period in support of programmes to implement the recommendations, designed to enable aboriginal and Torres Strait Islander peoples to move out of situations of dependence. An Aboriginal and Torres Strait Islander Social Justice Commission had been established to assess and monitor the human rights situation of the indigenous Australians and identify continuing abuses, including abuses in relation to the Convention. A Council for Aboriginal Reconciliation had been established to oversee the process of reconciliation between indigenous and non-indigenous Australians.

14. Third, the Native Title Act, of December 1993, had established a specialized tribunal and court processes for determining claims to native title land. Her Government was developing a social justice package to benefit aboriginal and Torres Strait Islander women.

15. Australia had a strong commitment to promoting the status of women at the international level. It was working to secure greater focus on the protection of women's rights within mainstream human rights forums and believed that its domestic agenda could be promoted through active engagement in such forums. It was working domestically and internationally to secure the implementation of the Vienna Declaration and Plan of Action, particularly as it related to women, and had drawn up a national human rights action plan which would be presented to the Commission on Human Rights. In January 1994, Australia had undertaken the role of regional lead donor for the Pacific subregion for the Fourth World Conference. Earlier, in December 1992, it had revised its Women in Development policy to emphasize the need for women's involvement in decision-making in the development process, in the design and implementation of programmes and to support measures to improve their status in developing countries.

16. Turning to the questions put in the report of the pre-session working group (CEDAW/C/1994/CRP.2), specifically with regard to Australia's two reservations to the Convention, she said that, following the adoption in December 1992, of a new policy on women in the Defence Forces, women were able to serve in all positions except direct combat positions, and her Government was considering narrowing the terms of its reservation to the Convention. It had not been in a position to remove its reservation on paid maternity leave since full implementation would require the introduction of maternity leave with pay or comparable social benefits throughout the country.

17. However, maternity leave with pay was provided for all women employed by the Commonwealth Government, subject to a 12-month qualifying period. The entitlement in State and territory governments varied from 9 to 12 weeks. Unpaid maternity leave had become widely available to Australian women employees since 1979 and had been included in all major federal awards and a majority of State awards. Social security benefits subject to income and assets tests were

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available to women who were sole parents and to all low-income women.

18. An inquiry into equal opportunity and equal status of Australian women, conducted by a standing committee of the House of Representatives, had been completed in 1992. The Committee's report, "Halfway to equal", had recommended that the provision of parental leave should be incorporated in all industrial awards and should be given the protection of national legislation. As part of its response to that report, her Government was taking steps towards introducing universal unpaid parental leave during a child's first 12 months; the new entitlement was intended to supplement entitlements under other Commonwealth, State and territory legislation and awards. Her Government was also seeking to determine whether family responsibilities should be a prohibited ground of discrimination over and above the 1992 amendment to the Sex Discrimination Act 1984 to prohibit dismissal on the grounds of family responsibility, and was conducting studies on part-time employment.

19. Research had shown that much violence against women was not reported. The Office of the Status of Women was working to establish a national data network with standardized collection methods. Since it was not possible to measure accurately the incidence of violence against women, it was difficult to ascertain whether it had decreased. The increase in reporting rates was attributable, in part, to greater awareness of the seriousness of the issue and of the legal remedies and support services available. The Aboriginal and Torres Strait Islander Commission was implementing a programme on family violence intervention aimed at reducing the incidence of violence in the Aboriginal community.

20. In reply to the inquiry as to whether the exemption provided for in section 37 of the Sex Discrimination Act would apply to acts which conflicted with Australian legislation, she said that the exemption applied only to the discrimination provisions of that Act and that a situation of assault would not be exempt from criminal prosecution under other legislation. Thus, genital mutilation would normally be treated as a breach of State assault laws and polygamy would be regarded as illegal.

21. Under the Australian Constitution, the entrenching of the right to equality of the sexes required a constitutional amendment by referendum, supported by a majority of voters overall and a majority of voters in a majority of the States. There was an ongoing debate as to whether rights and freedoms should be explicitly guaranteed in the Constitution or in a legislated bill of rights. One view was that the common law already adequately protected rights. A special foundation, established to promote informed public discussion on government, was planning to hold a conference on the issue of women and the Constitution in 1994.

22. With regard to articles 1, 2 and 3, an organizational chart had been drawn up to clarify the relationships between the various women's organizations. A distinction should be made between administrative and policy bodies and advisory bodies to the Government. The Office of the Status of Women, a division within the federal Government, provided policy advice to both the Prime Minister and the Minister for the Status of Women. The National Women's Consultative Council provided a means of communication between the Government and members of national women's organizations. The Human Rights and Equal Opportunity Commission had

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been set up to administer certain Acts of the federal Parliament. In December 1993, the Minister assisting the Prime Minister for the Status of Women had been made a member of the Cabinet.

23. With regard to article 4, it was not clear to which study group on Aboriginal women the question referred. There was an Office of Indigenous Women within the Aboriginal and Torres Strait Islander Commission (ATSIC). The majority of projects sponsored through ATSIC's women's programmes were delivered through indigenous community organizations. In addition, a comprehensive women's health policy was being prepared.

24. With regard to article 5 and questions relating to parental leave, her Government viewed such leave as a fundamental condition of employment and supported the inclusion of maternity, adoption and parental leave in federal awards in test cases before the Australian Industrial Relations Commission. Provisions of maternity and adoption leave standards had been extended to include paternity leave. To support parental leave provisions in industrial awards, the Industrial Relations Reform Act 1993 had introduced minimum entitlements legislation which would give effect to International Labour Organization and United Nations conventions, including the right to 12 months' unpaid parental leave on a shared basis following the birth of a child.

25. Ms. CARYANIDES (Australia) said that, according to a census taken in May 1992, the Supported Accommodation Assistance Programme (SAAP), which provided transitional accommodation to homeless people in crisis and women and children escaping domestic violence, accommodated approximately 13,400 people on any given night. Over 35.6 per cent of those individuals sought accommodation as a result of family violence and over 75 per cent of women were accompanied by children.

26. Since different States and territories compiled data on protection orders in various ways, there were no accurate figures on the total number of women obtaining protection orders in Australia. In those States and territories where such data were available, there had been a steady increase in the number of protection orders. However, it was difficult to determine whether that increase reflected greater awareness within the community regarding the availability of such orders, an improved response by the criminal justice system, or a change in the level of domestic violence.

27. In response to the inquiry into what women's organizations were doing to help victims of domestic violence and rape within marriage, information on legal, health, financial and crisis accommodation were made available to women by rape crisis, domestic violence and health centres which also provided support through court processes and ongoing counselling.

28. Ms. SHERRY (Australia) said that the New National Agenda for Women 1993-2000 had defined strategies which provided for further reforms towards consistent legislation and the development of a comprehensive crisis response to all forms of violence against women, including sexual assault services. The Government had provided funding for a community education campaign to end violence against women which included gender awareness programmes for family court judges. The Government had funded other projects related to gender and violence and school curricula and teacher education, sexual assault law reform,

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increased services for women in rural and remote areas and a symposium to study the relationship between alcohol and violence.

29. Australian law had a federal system which did not provide a comprehensive code for family relationships. The law did not define the concept of the family, but implicitly recognized the existence of types of families. When awarding social security payments, such as family allowances, the State took into account the fact that peoples' need for financial support was affected by their relationships. Thus, the State often recognized the family only indirectly, through the support or lack of support it gave individuals in defined circumstances.

30. Ms. CARYANIDES (Australia) said that her Government had a package of family payments aimed at ensuring adequate support for families with children, particularly those on low incomes. Almost 85 per cent of families qualified for a basic family payment. The Government also recognized that affordable, quality child care was essential for achieving increased employment opportunities for women. Finally, initiatives had been taken to prevent child abuse and create a supportive environment for families and communities.

31. With regard to article 7 and women's presence in high-level posts and in positions of political leadership, more information had been sought as to why equality in that area had not yet been achieved. Percentages of women on government boards continued to vary across institutions, and women tended to be particularly underrepresented in high-level posts in areas such as science and technology. That was attributed, to a large extent, to entrenched views regarding women's entry into non-traditional areas of education and employment, emphasis on experience rather than on ability and the belief that men were better at making decisions. Federal, State and territory governments had also recognized that women were underrepresented in Australian parliaments owing to a range of factors, including social attitudes, parliamentary practices which conflicted with family responsibilities and a lack of women in leadership positions in major political parties. The Government was committed to achieving 50 per cent representation of women on government boards and instrumentalities by the year 2000.

32. With regard to article 10 and raising female enrolment at the university level, the Government had focused on ensuring that levels of enrolment for women remained high. A national plan for equity in higher education had identified women as one of six disadvantaged groups and was seeking to increase women's share of enrolments in non-traditional courses such as engineering and in post-graduate courses.

33. The percentage of Aboriginal and Torres Strait Islander women participating in higher education had increased by 192 per cent between 1987 and 1992. Seventy per cent of Aboriginal and Torres Strait Islander students were enrolled in arts or education courses. As those students were relatively new to university studies, they were concentrated in associate diploma courses and their rate of completion of courses was a source of concern.

34. Ms. SHERRY (Australia) said, with regard to article 11 and the major initiative undertaken in Australia to restructure earnings, that her Government strongly supported the continued review of award wage relativities based on comparisons of skill and responsibilities through the minimum rates adjustment process. Aware of women's concerns about the effect that a more devolved industrial relations system might have on their wages and conditions, the Government had held extensive consultations with representatives of women's organizations in 1993 to ensure that the industrial reforms would protect women's interests. A survey conducted by the Government in 1992 regarding workplace bargaining suggested that workplace bargaining tended to favour men and that women were less likely to work at places where such agreements were negotiated. Legislative reforms had provided the framework for the spread of enterprise bargaining throughout the economy, while ensuring that the industrial relations system was accessible and fair to women. The award safety net was to be enhanced by minimum entitlements legislation based on International Labour Organization and United Nations conventions.

35. With regard to the inquiry as to whether the Government planned to impose legislation to ensure equal remuneration for work of equal value, the federal Government had established the equal pay unit in 1991 to implement its policy on equal pay and had provided specialist advice on wage issues for women workers. Equal pay provisions were based on a number of international instruments to which Australia was a signatory. Under the Industrial Relations Reform Act 1993, the Australian Industrial Relations Commission was entitled to make orders to ensure that women and men received equal remuneration for work of equal value. The Commission would not approve an enterprise agreement if it was in breach of any minimum entitlements provision, including equal pay. Those provisions would not deny access to any other machinery for obtaining equal pay for work of equal value, such as awards of industrial tribunals or determination by sex discrimination bodies.

36. Regarding the status of part-time workers, the majority of whom were women, she noted that Australia had seen a trend towards part-time and casual work in the previous decade. Permanent part-time workers, namely, those who worked fewer hours than the normal work week on a permanent basis, generally accrued such benefits as annual leave, sick leave, maternity and long-service leave, on a proportionate or pro rata basis. However, those benefits were not generally available to casual employees, who accounted for the bulk of the part-time workers. With regard to the pension and social security rights of part-time workers, unemployment payments were targeted to those most in need and recipients were required to meet certain income and assets criteria.

37. Approximately 85 per cent of families with dependent children received Basic Family Payment which provided assistance with the cost of raising children. A new payment, known as the Home Child-Care Allowance, would be introduced from September 1994 to assist families in which one partner cared for children at home. The Home Child-Care Allowance would replace the Dependent Spouse Rebate for families with children and would be paid directly to the person who remained at home with the children, who was usually the mother. In addition, a Child-Care Cash Rebate would be introduced from July 1994 to assist parents who were engaged in full- or part-time work, study or training, or who were looking for work. The rebate would be payable over and above Child-Care Assistance and would benefit those working families which did not receive child-care assistance. The rebate thus provided recognition that child-care costs

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were a legitimate work-related expense and provided assistance to families using formal as well as informal care.

38. Receipt of the age pension depended on an individual's age, income and assets, not on his or her employment history. Women became eligible at age 60.

39. On the question of superannuation coverage, only 59 per cent of all part-time women employees enjoyed coverage as of August 1992. Male and female superannuation coverage was currently equal for full-time workers. However, total male coverage remained higher than total female coverage because a greater number of males worked full-time, which meant that more men were covered even though the respective percentages of men and women covered were the same.

40. The Government's position with regard to discrimination against women employed in industry or the service sector was set out in the Industrial Relations Reform Act of 1993, whose aim was to prevent and eliminate discrimination on a number of grounds, including sex, marital status, family responsibilities and pregnancy. Under the Act, the Australian Industrial Relations Commission must refuse to certify or approve an agreement if, in its view, any provision of that agreement discriminated against an employee or if the agreement was inconsistent with the minimum entitlements provided for in the legislation. The Commission was expressly required to take account of the principles embodied in ILO Convention No. 156 concerning workers with family responsibilities. A Work and Family Unit was established in the Department of Industrial Relations to assist the Federal Government in implementing ILO Convention No. 156. The Unit was currently addressing a range of issues which could be adopted through enterprise bargaining, including flexible and innovative working arrangements, permanent part-time work, work-related child care, various forms of family leave and the removal of practices which discriminated against workers with family responsibilities. Strategies would also be proposed to assist nursing mothers in the workforce.

41. As for the problem of child care, the Government had made a commitment to meet demand for work-related care fully by the year 2001. Accordingly, it had implemented a number of strategies to increase the availability of funded child-care places. The number of such places had grown from 111,000 in 1989 to 208,000 in 1993, and the short-term aim was to provide 300,000 places by June 1997.

42. Ms. CARYANIDES (Australia), responding to the questions posed by the Committee under article 12, said that the nationally organized cervical screening programme was being implemented. The measures taken since 1991 included the endorsement by all Australian health authorities of a national cervical screening policy based on a two-year interval and an age range of 18 to 70 years; the agreement by all States and Territories to establish cervical cytological registries whose functions included the retention of screening histories for women, the issue of reminders and recalls to women, and monitoring the performance of cervical cytology laboratories; and a television campaign in 1993 to increase awareness of the need for women to have regular pap smears.

43. On the question of whether family planning and contraceptive advice were freely available to young women without parental consent, young women had free access to advice on sexual and reproductive health, including family planning

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and contraception, in clinics funded under the Family Planning Programme. In theory, abortion services were available on the same basis to young women and adult women alike. However, pregnant young women were frequently at a great disadvantage in their ability to gain access to abortion services. The fact that they did not have their own Medicare card by virtue of being on their parents' card, lack of money for transport or to see a specialist if necessary, lack of support, and other factors put very young women at a disadvantage in such situations. The legal and ethical responsibility for determining the medical need for an abortion ultimately rested with the individual medical practitioner and the patient, operating within the framework of the relevant State or Territorial legislation. The Family Planning Programme, however, was a Commonwealth initiative aimed at decreasing the number of unwanted pregnancies in Australia and thus reducing the demand for abortions.

44. There had been a significant improvement over the previous two decades in the health of aboriginal and Torres Strait Islander peoples, however, the overall burden of disease continued to be comparatively high, as reflected in high rates of hospitalization, maternal mortality and disability. Aboriginal infant mortality rates, in particular, remained unacceptably high and were typically two to three times the rates among non-indigenous Australians. Moreover, aboriginal mothers, who represented less than 2 per cent of the total number of women of childbearing age, had accounted for more than 10 per cent of maternal deaths in the period 1970-1990. The Aboriginal and Torres Strait Islander Commission was developing a comprehensive women's health policy which would set out agreed health goals and targets, identify priority needs and provide the basis for future funding of indigenous women's health services.

45. On the question of the legal and social barriers to artificial insemination, the direct regulation of artificial insemination was a matter for the governments of the State and Territories. Within the federal jurisdiction, the 1983 amendments to the Family Law Act of 1975 extended the definition of "child of a marriage" to include children born as a result of artificial insemination or embryo transplant. The Commonwealth Government subsidized artificial insemination through the national health insurance scheme, Medicare, which included medical benefits for services by doctors and pharmaceutical benefits for certain drugs which were used in conjunction with artificial insemination. Anecdotal evidence indicated a general acceptance by the population of artificial insemination as part of wider reproductive technologies. There were nevertheless a number of areas of concern, such as the confidentiality of information, the rights of the child, conflict with the cultural values of ethnic communities and the cost and emotional stress of reproductive technology programmes. The National Health and Medical Research Council had established a Working Party on the long-term effects for women from assisted conception. A report on the Working Party's findings would be completed by April 1994.

46. Ms. SHERRY (Australia), replying to questions under article 15, said that the Government took a very serious view of gender bias in the legal system, and had included gender bias in the terms of reference of the commission charged with examining laws and legal practices with a view to ensuring the full equality of women before the law.

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47. It had been acknowledged that there were problems associated with the unrepresentative composition of the judiciary and that the process of judicial appointments should ensure that suitably qualified women were considered for appointment. The Government's concern about possible gender bias in the judiciary had resulted in an inquiry by a Senate Standing Committee. Its report would shortly be presented to Parliament. The appointment of members of tribunals had also been considered by the Government. In August 1993, the Minister of Justice had announced a new policy for the Administrative Appeals Tribunal aimed at ensuring that the appointment of members would more accurately reflect the diversity of Australian society.

48. Turning to the questions raised under article 16, she said that the marriageable age in Australia for both males and females was 18 years. However, there were exceptional circumstances under which a younger person could marry, provided that he or she was at least 16 and had obtained a court order. Pregnancy was not considered to be one of those circumstances.

49. Aboriginal customary marriages were not recognized as valid. Some state jurisdictions did, however, accept such marriages as de facto heterosexual relationships and recognized the property rights of the partners. In its 1986 Report, the Australian Law Reform Commission had recommended that customary marriages should be recognized for specific purposes, such as social security law, and that the children of such marriages should be recognized as legitimate. The approach that had been adopted in Australia in the past was consistent with those recommendations and there were no plans to legislate in respect of aboriginal customary marriage.

50. As for the question of the protection of women from traditions which endangered their health or caused them and their children hardship, she noted that marriages contracted in Australia must comply with the provisions of the 1961 Marriage Act. It was not possible to contract a valid polygamous marriage in Australia, although a polygamous marriage contracted outside the country would be recognized if the marriage was valid according to the law of the place of celebration or according to the common law rules of private international law. The Family Law Act of 1975 provided some protection for persons whose polygamous union broke down. Through the provisions of the 1961 Marriage Act which regulated the solemnization of valid marriages in Australia, the Government provided some protection to women from matrimonial practices which injured their health and caused them and their children hardship. The Marriage Act also protected women from matrimonial practices incompatible with the principles of the Convention and regulated the solemnization of valid marriages in Australia.

51. With regard to problems relating to the custody and guardianship of children and allocation of property in de facto relationships, she said that, in Australia, the effect of such relationships - except in so far as children were concerned - was governed by the legislatures and courts of States and Territories. Legal proceedings concerning guardianship, custody and access of children were within the jurisdiction of the Family Court of Australia, except in Western Australia, which had its own family court. The maintenance of children was a matter for either the Family Court or the Federal Child Support Agency, depending on the date of separation of the parents or the date of birth of the children.

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52. Laws of succession were also within the competence of the legislative power of the States and Territories. In 1992, it had been recommended that the Commonwealth should seek a reference of powers from the States in relation to the jurisdiction of de facto property disputes. The Government had accepted the recommendation and had been pursuing the matter.

53. Ms. BRAVO de RAMSEY said that the well-ordered and comprehensive report of Australia confirmed that women enjoyed a better status in that country than they did in many other countries. She wished to know what action had been taken to address the status of aboriginal women, who were affected by low educational levels, high rates of unemployment and infant mortality, and shorter life expectancy.

54. Ms. CARTWRIGHT agreed that the information which had been provided on that population group was quite alarming. In that connection, the landmark decision by the High Court of Australia in June 1992 in Mabo and Others v. the State of Queensland had profound implications for aboriginal women. She noted that the Government had promised to implement the decision, which provided for a possible redistribution of land. Given the fact that aboriginal households were frequently headed by women, it would be useful to know what steps the Government proposed to take to ensure that women received equal treatment in the proposed land redistribution.

55. Ms. MAKINEN expressed surprise that a country as developed as Australia maintained its reservation on the provision relating to paid maternity leave. Since there appeared to be only one or two female cabinet ministers, she wondered what special measures the Government proposed to take to increase the participation of women in politics.

56. Ms. UKEJE wondered whether a partner in a customary marriage could be compelled to give evidence against the other partner. She noted that in civil marriages the right of a spouse to refuse to give such evidence was protected by law.

57. Ms. NIKOLAEVA said that the length of the report was justified by the complexity of the federal system in Australia. Despite the undoubted progress made by that country towards the elimination of discrimination against women, further progress was still required, particularly in areas such as the protection of the rights of working mothers. All too frequently, the family responsibilities of working women were hindrances to their careers. She also noted that divorced women lost their pension fund entitlements. No society could claim to have achieved social equity unless it utilized the full potential of women in the political, social, cultural and economic fields. It would also be helpful to know the reasoning behind the prohibition by the Australian Government on female labour in the mines.

58. Ms. AYKOR said that she would appreciate an account of the reason that part-time work by women had increased by 60 per cent while full-time work by women had increased by a mere 20 per cent during the reporting period. She wondered whether women took part-time jobs because they preferred them, or because they could not find full-time jobs. European women often juggled two part-time jobs in order to collect full-time wages, a system ultimately discriminatory against women. It would be useful to know the number of hours

(Ms. Aykor)

part-time work constituted in Australia. Lastly, she would appreciate information on coverage of women part-time workers under the Australian social security system.

59. The CHAIRPERSON said that, while Australia was clearly making great efforts to enable women to reconcile their family responsibilities with employment, she was baffled by the low representation by women in political life. Generally speaking, Australia seemed to meet the requirements of the Convention in the sphere of education, but it had clearly failed to successfully promote the empowerment of women.

60. Furthermore, as an Italian and a southern European, she was perplexed by the reservation placed on paid maternal leave by the otherwise progressive countries of Australia and New Zealand, which satisfied the other terms of the Convention more fully than did many European countries.

61. Ms. SHERRY (Australia) said that the levels of participation by women in local and federal government were very different. The low level of representation by women at the federal level derived in part from the historical domination of two major political parties, which used a pre-selection system in choosing candidates for government. Under that procedure, posts tended to pass from older men to younger men, rather than to younger women. Recently, however, the Australian Labour Party had set a goal of 50 per cent representation by women by the year 2001. Another important reason for low representation by women in federal government was the great distances that divided Australian cities: most women were not prepared to leave their families and take up residence in Canberra for the duration of the parliamentary session. The next report would describe special measures undertaken by the Government of Australia to make representation by women in national government more viable.

62. Turning to the question of aboriginal women in Australia, she said that the decision in Mabo and Others v. the State of Queensland was a truly radical piece of legislation that established a process by which indigenous Australians could reclaim native titles to lands acquired by the Crown at the time that Australia was settled by the British. It also included a social justice package designed to establish infrastructure in those communities. Since the sense of social dislocation experienced by those peoples seemed to have arisen from the loss of their tribal lands, that legislation stood to significantly alter the conditions of their lives as well as race relations in Australia. Although Australia had disbursed large sums to provide services for indigenous Australians, those measures had often run counter to the cultural needs of the communities they were designed to help. Traditionally, for example, health services for aboriginal women had been supplied by hospitals staffed by white doctors. The newly established aboriginal birthing service had proved a great success in inter alia reducing infant mortality, and it would serve as a model for other services to aboriginal women. Clearly, the health status of aboriginal women and children could only be improved through programmes tailored to their particular cultural needs.

63. A social justice commissioner had been appointed to monitor the human rights aspect of the redistribution of land, including the rights of women. There were strong sentiments that aboriginal women should be assured their proper share in the redistribution of land under the Mabo decision and the

(Ms. Sherry, Australia)

Committee could expect full consistenc' with the terms of the Convention in that process. Indeed, a large and powerful group of aboriginal women had participated in the Mabo initiative. Thus far, the issue of the distribution of benefits had not entered the public debate; aboriginal peoples had presented a united front because native title was so essential to the structure of power in Australia.

64. The Australian Government's reservation with respect to paid maternity leave should be looked at in context. It was only within the last 15 years that there had been a significant increase in the numbers of women in the labour market. Moreover, both the women's movement and the trade union movement were divided on the issue, and the Government was reluctant to proceed in areas where there was no public consensus. Currently, the minimum requirement provided for by law was 12 months unpaid maternity leave. State employees received more benefits than women in the private sector; however, those were perquisites and should not be seen as discriminatory. As social security was available to women part-time workers and to unemployed women, it could serve as a disincentive to women who might consider entering the workplace. The question remained as to whether a special benefit should be paid to women on maternity leave: efforts were under way to stimulate public debate on that issue.

65. Regarding the concern expressed on the subject of the feeding of babies in the workplace, she said that since women in Australia rarely returned to work before weaning their children, there was no pressure on Government to make such provision. Furthermore, one of the reasons the Government supported part-time work was the preference shown by many women for part-time work as long as their children were in school. The incidence in part-time work by women could be explained in part by that phenomenon. The increase had commenced during a period in which male unemployment was mounting, attributable in part to a change in the economic structure of Australia from manufacturing to the service industries, which favoured part-time work and was therefore also favourable to the employment of women. Recently there had also been a concomitant increase in part-time work by men.

66. Efforts had been made to ensure that by participating in part-time employment, women did not forfeit job opportunities or employment benefits, including superannuation. Amendments to the Family Law Act regarding divorce settlements took into consideration the contributions women had made to their partner's capacity to accrue benefits, including unpaid domestic labour. Other questions had been raised concerning social security which the documentation covered; she would willingly provide any further information the Committee required.

67. In Australia, most sexual violence was perpetrated by a family member or friend, and much discussion currently focused on the notion of the family as a unit of protection. It was probable that strengthening the family would not prove a viable solution to the problem of rape in Australia. The Government would instead focus on trying to change the attitudes of men and on strengthening legislation so as to protect women and children and punish perpetrators. It was the declared position of the Government that violence against women would not be tolerated in Australian society.

(Ms. Sherry, Australia)

68. Lastly, she said that women were indeed not permitted to work in the Australian mines; the trade unions that controlled them were resistant to allowing women underground, in part for superstitious reasons, in part owing to the traditional father-son patronage system. Furthermore, the mining syndicates were more powerful than most other Australian trade unions.

69. The CHAIRPERSON said that both the initial and second Australian reports had been exemplary, and had served as models for other countries. She strongly hoped that by the time of its next periodic report, Australia should have withdrawn its reservations to the Convention.

The meeting rose at 6 p.m.